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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,041	12/05/2003	Julio C. Castaneda	CE12269JME	9354

7590

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Larry G. Brown
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EXAMINER

HANNETT, JAMES M

ART UNIT

PAPER NUMBER

2622

DATE MAILED: 04/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<p align="center">Office Action Summary</p>	<p>Application No.</p> <p align="center">10/729,041</p>	<p>Applicant(s)</p> <p align="center">CASTANEDA ET AL.</p>	
	<p>Examiner</p> <p align="center">James M. Hannett</p>	<p>Art Unit</p> <p align="center">2622</p>	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 10, 11, 13, 19 and 20 is/are rejected.
- 7) ☒ Claim(s) 3-9, 12 and 14-18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12/5/2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
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| <p>1) <input type="checkbox"/> Notice of References Cited (PTO-892)</p> <p>2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</p> <p>3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____.</p> | <p>4) <input type="checkbox"/> Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.</p> <p>5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</p> <p>6) <input type="checkbox"/> Other: _____.</p> |
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DETAILED ACTION

Response to Arguments

Applicant's arguments filed 1/26/2006 have been fully considered but they are not persuasive. The applicant argues that the prior art does not teach the new limitation that "in the first mode of operation, the motor is disengaged from the camera assembly".

The examiner disagrees with the applicant. The examiner views the limitation broadly. Furthermore, the limitation merely states the motor is disengaged, and does not give specifics as to any mechanical or electrical process of disengaging. Furthermore, Senba et al teaches in the (English abstract translation) on Paragraph [0018] that in order for the eccentric member (151b) to move the lens, the eccentric member is projected until the eccentric member collides with the lens system. Therefore, the state in which the eccentric member is not projected or in collision with the lens system is viewed by the examiner as a state in which the motor is disengaged.

The common knowledge or well-known in the art statement presented in the rejection of Claim 10 is taken to be admitted prior art because applicant failed to traverse the examiner's assertion of Official Notice.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

1: Claims 1, 2, 11, 13, 19 and 20 are rejected under 35 U.S.C. 102(a) as being anticipated by JP 2003-315656 Senba et al (English abstract translation).

2: Claim 1: As for Claim 1, Senba et al depicts in Figures 1-3 and teaches on Paragraphs [0006 and 0023] an electronic device comprising: a focusable camera assembly (153) paragraph [0006]; and a motor (151a) operable between a first mode (vibrate mode) of operation in which it provides a vibration feature and a second mode of operation in which it adjusts the focus of the camera assembly. Senba et al teaches on Paragraph [0018] that in order for the eccentric member (151b) to move the lens component (152), the eccentric member (151b) is projected until the eccentric member collides with the lens system. Therefore, in the first mode of operation (vibrate mode), the motor (151a) is disengaged from the camera assembly (152).

3: Claim 2: In regards to Claim 2, Senba et al teaches on Paragraph [0023] and depicts in Figure 1 the device is a cell-phone which is a radio communication device.

4: Claim 11: As for Claim 11, Senba et al teaches on Paragraph [0025 and 0006] and depicts in Figure [2] the focusable camera assembly (152) includes a fixed camera (image sensor CCD) and an adjustable lens assembly (153) that can be adjusted by the motor (151a).

5: Claim 13: As for Claim 13, Senba et al depicts in Figures 1-3 and teaches on Paragraphs [0006 and 0023] a method for providing both camera focus (153) and vibration functionality to a radio communication device (cell-phone) having a camera (CCD), comprising the steps of: determining if a vibration mode or a camera focus mode is desired; causing a motor (151a) to vibrate if the vibration mode is desired in step (a); and causing the same motor (151a) used in step (d) to focus (153) the camera (CCD) if the camera focus mode was desired in step (a). Senba et al teaches on Paragraph [0018] that in order for the eccentric member (151b) to move the lens component (152), the eccentric member (151b) is projected until the eccentric member

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collides with the lens system. Therefore, in the first mode of operation (vibrate mode), the motor (151a) is disengaged from the camera assembly (152).

6: Claim 19: As for Claim 19, Senba et al teaches on Paragraph [0023] the radio communication device comprises a cellular telephone.

7: Claim 20: In regards to Claim 20, Senba et al teaches on Paragraph [0016 and 0027] a controller sends a signal to the motor that causes it to be in the vibration mode or the camera focus mode.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8: Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over JP 2003-315656 Senba et al.

9: Claim 10: In regards to Claim 10, Senba et al teaches the use of a cell-phone which uses a common motor to perform a vibration feature to inform a user of an incoming call and to perform a focus control of a built in camera. However, Senba et al is silent as to the type of motor and does not teach that the motor can be an electric brush motor.

Official notice is taken that it was well known in the art at the time the invention was made to use electric brush motors in cell phones to enable the phone to have a vibrate function.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use an electric brush motor for the motor in Senba et al since it was common practice to do so.

Allowable Subject Matter

10: Claims 3-9, 12, and 14-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James M. Hannett whose telephone number is 571-272-7309. The examiner can normally be reached on 8:00 am to 5:00 pm M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on 571-272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James M. Hannett
Examiner
Art Unit 2622



JMH
March 29, 2006



DAVID OMETZ
SUPERVISORY PATENT EXAMINER